

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CHRISTOPHER YOUNG,)
Plaintiff,)
v.) C.A. No. 12-937-ML-LDA
BROWN UNIVERSITY and)
PAUL SHANLEY, alias,)
Defendants.)

MEMORANDUM IN OPPOSITION TO APPLICATION TO PROCEED
IN FORMA PAUPERIS

Plaintiff filed a *pro se* Notice of Appeal in this matter on December 3, 2015 (Document No. 97) and, on that same date, an Application to Proceed *In Forma Pauperis* (Document No. 97). The Court issued a Memorandum and Order (Document No. 100) on December 7, 2015 requiring Plaintiff to file, on or before December 31, 2015, proper documentation, as specified in the Memorandum and Order, or risk having his Application denied and his Appeal dismissed. Document No. 100, p. 2.

Among the missing items noted by the Court was the requirement of F.R.A.P. 24(a)(1)(C) that a party seeking *In Forma Pauperis* status “state[] the issues that the party intends to present on appeal.”

Plaintiff filed a completed Affidavit Accompanying Motion for Permission to Appeal *In Forma Pauperis* on December 31, 2015. Document No. 101). Included in that Affidavit was the following passage:

My Issues on appeal are:

This is a Civil Rights case. Plaintiff – Appellant's constitutional rights as a citizen of the United States, a political candidate and federal congressional candidate have been infringed upon, and there were reversible errors of law made by the trial court.

Plaintiff is a prevailing party due to the revised “no trespass” notice and is entitled to attorney fees and damages.

ARGUMENT

The purpose of a statement of issues to be appealed is to enable the Court to determine whether the Appeal would be frivolous or not taken in good faith. *Anderson v. Francis*, No. 1:10-cv-3212-WSD (WD Ga., August 14, 2015)(attached), *citing Howard v. Huntington Nat'l Bank*, No. 2:09-cv-251, 2010 WL 4642913, at *3 (S.D. Ohio, November 4, 2010). The statement of issues enables the Court to “more intelligently determine whether or not the proposed appeal is frivolous, or not made in good faith.” *Martin v. Gulf State Utils. Co.*, 221 F.Supp. 757, 760 (W.D. La. 1963)(*cited by Anderson, supra*, at 14). The District of Massachusetts, in *Rasheed v. Gelb*, No. 12-11921-DJC (D.Mass. May 15, 2013)(attached) dismissed an Application to Proceed *In Forma Pauperis* for failing to provide required financial information, noting that the Court, should the Plaintiff refile, could not grant such an application absent a statement of the issues the Plaintiff intended to appeal.

In this case, Plaintiff has made broad statements about his case, in general, but has provided not a single “issue” to be raised on Appeal as that term is generally understood. Plaintiff asserts that he was wronged, to be sure, but has not stated where the *District Court* went “wrong” – the precise and sole measure of an “issue” that is appropriately “present[ed] on appeal.”

CONCLUSION

Respectfully, Plaintiff has not presented this Court with any evidence of a single issue that even arguably has merit that he intends to present on appeal. For that matter, he has not presented a single issue that is plainly frivolous. In short, Plaintiff has not presented, as required by the Rule and by the Court’s Memorandum and Order, a statement of *any* issues he intends to present on Appeal.

Given that failure, Defendants respectfully suggest that Plaintiff's Application to Proceed
In Forma Pauperis should be denied.

Respectfully submitted,
Defendants,
By their attorney,

Date: January 5, 2016

/s/Jeffrey S. Michaelson
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the date of filing of this document(s), and by mail to:

Christopher Young
4 Angell Road
Narragansett, RI 02882

/s/Jeffrey S. Michaelson